

RECENT LEGISLATIVE ACTIVITY

Tort Reform: The 2010 Legislature passed the following tort reform bills:

- HB 689 changed the burden of proof in slip and fall cases. The burden of proof is now on the plaintiff.
- SB 2440 authorizes parents or guardians of minor children to waive and release, in advance, any claim or cause of action against a commercial activity provider that would accrue to the minor child for personal injury, death or property damage resulting from an inherent risk in the activity.

Condominium Law: SB 1196 addressed many condominium law issues, including:

- lowered the cost of owning a condominium by repealing the requirement to purchase individual unit owner insurance coverage;
- provided that certain low-rise condominium buildings with exterior corridors need not install a central fire alarm system;
- amended provisions relating to fire sprinklers; and
- allowed associations to waive the requirement to provide alternative power supplies to elevators and alarms during emergencies, and delayed retrofitting requirements related to the elevators.

Family Law: In the 2010 legislative session, HB 907 made substantial changes to child support and alimony laws.

As to child support: the bill eliminated the 25% of child care expenses reduction to fully apportion child care expense between the parents; required courts to take into account all tax effects of a child support award; and moved the time-sharing threshold for adjustments from 40% to 20%.

As to alimony: the bill creates bridge-the-gap alimony and durational alimony; gives additional criteria for courts to use in determining alimony; and creates rebuttable presumptions regarding the form of alimony that is appropriate based on the length of the marriage.

UPCOMING ISSUES

Foreclosures

A bill attempting to establish a form a non-judicial foreclosure was filed last session (HB 1523). Depending on the success or lack thereof of the Court-ordered mediation program, non-judicial foreclosure may be an issue the 2011 Legislature will consider.

Home Owner Association Dispute Resolution

In order to get HOA disputes out of the court system, current law encourages parties to first attempt private mediation. Private mediators are charging fairly substantial fees for these disputes. The Legislature has previously considered legislation on this process. The issue is likely to return next year.

Immunity for Transport of Emergency Patients

A jury recently awarded a \$10 million verdict against an ambulance company because the ambulance driver did not refuse a doctor's order to transport a patient to another hospital.

The case is still pending in the trial court pending a motion to set aside the verdict, but it does raise the following policy questions:

1. Should an EMT be liable for following the orders of a physician to transport a patient?
2. Does the standard of care for emergency transport of patients need to be defined in statute since the EMT in this instance was apparently expected to achieve a result during emergency transport in an ambulance that a trained physician determined he could not achieve in a fully functioning hospital?

Florida House of Representatives

CIVIL JUSTICE



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CURRENT COURT FILINGS

Type of civil cases filed in Florida's Circuit Courts for FY 2008-09:

Type of Case	Total	% of all civil cases filed
Professional Malpractice	1,286	.24%
Products Liability	953	.17%
Auto Negligence	19,497	3.6%
Other Negligence	12,173	2.2%
Condominium	2,327	.43%
Contract and Indebtedness	70,466	13%
Real Property/ Mortgage Foreclosure	403,477	74%
Eminent Domain	856	.15%
Other	36,159	6.6%
Circuit Civil Division	547,194	100 %

The Florida Bar reports Florida has 88,970 licensed attorneys. Historically between 17 and 19 percent of those attorneys are out-of-state lawyers who maintain a Florida license.

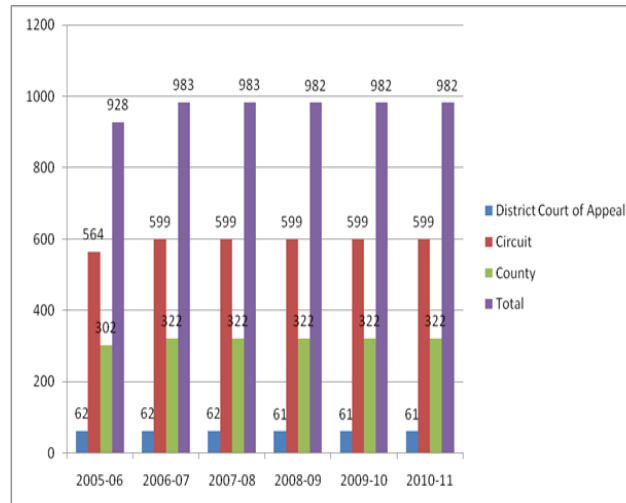
CIVIL JUSTICE

Florida's court system is made up of the following courts and judges/justices:

- 67 county courts with 322 county court judges
- 20 circuit courts with 599 circuit court judges
- 5 District Courts of Appeal with 61 DCA judges
- 1 Supreme Court with 7 justices

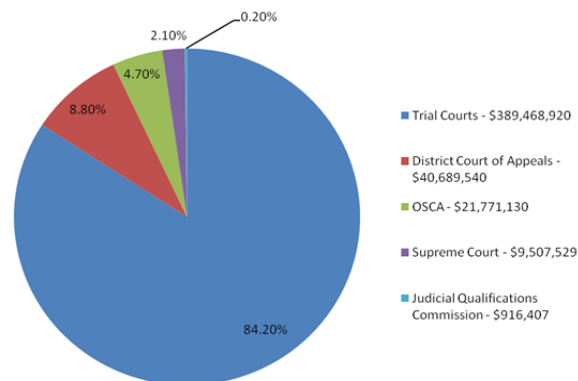
Total Judges/Justices: 989

Statewide Judgeships



STATE COURT BUDGET

State Court System's Budget for FY 2010-11: \$462,353,526



COURT FILINGS COMPARISON

Circuit Court Filings as Reported by Office of State Courts Administrators:

Type of Case	FY 2005-06	FY 2008-09
Professional Malpractice	1,363	1,286
Products Liability	732	953
Auto Negligence	20,539	19,497
Other Negligence	12,115	12,173
Condominium	475	2,327
Contract and Indebtedness	36,703	70,466
Real Property/Mortgage Foreclosure	57,272	403,477
Eminent Domain	1,592	856
Other	33,454	36,159
Circuit Civil Division	164,245	547,194

County Court Filings Reported by Office of State Courts Administrators:

Type of Case	FY 2005-06	FY 2008-09
Small Claims (up to \$5,000)	216,042	229,465
Civil (\$5,001 to \$15,000)	90,230	129,976
Replevins	3,288	3,763
Evictions	165,391	135,316
Other Civil (non-monetary)	4,563	4,794
County Civil Division	479,514	503,314